FILED

UNITED STATES COURT OF APPEALS

FEB 17 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	No. 04-10538
Plaintiff - Appellee,	D.C. No. CR-02-00384-1-JAT
v.	
ANTONIO LOYA-TORRES,	MEMORANDUM [*]
Defendant - Appellant.	

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted February 13, 2006 [**]

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Antonio Loya-Torres appeals from his guilty-plea conviction and 70-month

sentence imposed for conspiracy to commit hostage taking, and conspiracy to

harbor illegal aliens, in violation of 18 U.S.C. §§ 371, 1203, and 1324(a)(1)(A).

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[*]   This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

[**]   This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Loya-Torres's attorney has filed a brief and moved to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), on the ground that the appeal presents no arguable issues. Loya-Torres has not submitted a pro se supplemental brief.

Because our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Loya-Torres knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (noting that the changes in sentencing law imposed by *United States v. Booker*, 543 U.S. 220 (2005), did not render waiver of appeal involuntary and unknowing).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**